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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CARTER, AARON W

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/463,271

Applicant(s)

KAUP, ANDRE

Examiner

Aaron W Carter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to papers filed on April 12, 2004.

#### ***Response to Arguments***

2. Applicant's arguments filed April, 12, 2004 have been fully considered but they are not persuasive.

Applicants argue that Mehrotra does not teach or fairly suggest "storing said features together with said image sequence wherein separate search features sets are provided for each individual object." Applicants further argue that an open space as disclosed by Mehrotra is not equivalent to an "individual object" as claimed, nor is metadata equivalent to claimed "feature sets".

Examiner disagrees, an "individual object", is not defined in the claim as being anything in particular, and therefore is left open to interpretation by the examiner. An image as disclosed by Mehrotra comprises of text, captions, figurative elements and open space (column 1, lines 22-28) among other things, each of which can be thought of as an individual object in the image. As for "feature sets" not being equivalent to metadata, each individual open space of an image has features that describe and characterize it (column 3, lines 20-26), the features including set of more than one property (column 5, lines 9-12), therefore it can be said that the metadata described by Mehrotra is equivalent to the broadly stated "feature sets".

#### ***Claim Rejections - 35 USC § 102***

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-13, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,115,717 to Mehrotra et al. ("Mehrotra").

As to claim 11, Mehrotra discloses a method for storing search features (column 2, lines 3-4, wherein metadata corresponds to search features) of an image sequence (column 3, lines 57-64) including individual objects (column 3, lines 57-65, wherein each image sequence contains individual objects in the form of individual images and column 4, lines 2-13, wherein each individual image contains open spaces which also corresponds to individual objects), said method comprising the steps of:

determining said search features from said image sequence (column 3, lines 20-24); and  
storing said features together with said image sequence wherein separate search feature sets are provided for each individual object (column 3, lines 24-26, wherein each open space contained in the image has its own separate search feature set in the form of metadata).

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As to claim 12, Mehrotra discloses the method as claimed in claim 11, wherein said search features are at least one of audio data and video data of said of said image (column 5, lines 9-12 and Fig. 5 wherein metadata contains video data of the image).

As to claim 13, Mehrotra discloses the method as claimed in claim 11, wherein said search features comprise a reference to an image within said image sequence for assisting in accessing said image within said image sequence (Fig. 5, wherein each image is provided an image-ID or inherently a frame number).

As to claim 19, Mehrotra discloses the method as claimed in claim 11, wherein separate search features for several objects that are contained in said image sequence according to image coding standards are respectively stored together with said image sequence (column 6, lines 60-62).

As to claim 20, Mehrotra discloses the method as claimed in claim 11, wherein said search features can be unambiguously identified by a predeterminable start code (column 12, lines 20-22 and Fig. 9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehrotra as applied to claim 1 above, and further in view of U.S. Patent 5,987,459 to Swanson et al. ("Swanson").

As to claim 14-16, Mehrotra discloses all that is claimed in claim 11, but neglects to explicitly disclose the location of the search features in accordance with the image sequence. Swanson, however, teaches us a process of coding images with search feature for use in a content-based image retrieval system. In Swanson's process he teaches us that there are disadvantages of attaching search features to a compressed image file (18) either as a prefix (20) or appended (20) to the file (Figure 1 and column 3, lines 19-27). He goes on to discuss several advantages of storing the search features directly into the image (26, Figure 1 and column 3, lines 28-39). Therefore it would have been obvious to one of ordinary skill in the art to take the teaching of Swanson and apply them to the Mehrotra's method. This would provide the advantage of keeping search features in close proximity of the image sequence for increased retrieval time and by storing search features in the image sequence storage space required could be reduced.

As to claim 17, Mehrotra and Swanson combined provide us with a method of storing search features in an image sequence. Swanson discuss the addition of the search features as a prefix ("file header", column 3, lines 56-62) to a file created preferably according to the JPEG compression standard (column 4, lines 24-25), but neglects to explicitly mention the search

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features can be stored as a prefix to an intra-image created according to the MPEG standard. The Examiner takes Official Notice that the intra-image according to MPEG standard is well known in the art as a still image contained in the MPEG file, as well as the JPEG standard being a well known coding technique in the field of individual images. Therefore it would have been obvious to one of ordinary skill in the art to create a MPEG file of the audiovisual sequence discussed by Mehrotra and to store search feature as prefix to an intra-image using technique disclosed by Swanson. This would provide the advantage of reduced storage space.

As to claim 18, Mehrotra discloses a method according to claim 17, wherein each image scene of said image sequence is stored in a database (Fig. 1, element 18 and column 6, lines 60-62).

### *Conclusion*

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W Carter whose telephone number is (703) 306-4060. The examiner can normally be reached on 7am - 3:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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